

COUNCIL OF THE DISTRICT OF COLUMBIA

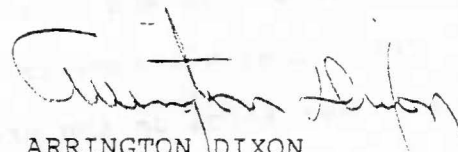
NOTICE

D.C. Law 3-143

"District of Columbia Unjust Imprisonment Act of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-251 on first, amended first and second readings, July 29, 1980, September 16, 1980 and September 30, 1980, respectively. Following the signature of the Mayor on October 14, 1980, this legislation was assigned Act No. 3-264, published in the October 24, 1980 edition of the D.C. Register, (Vol. 27 page 4656). This act was originally transmitted to Congress on October 17, 1980, and resubmitted on January 14, 1981 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 3-143, effective March 5, 1981.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
February	2, 3, 4, 5, 6, 17, 18, 19, 20, 23, 24, 25, 26, 27,
March	2, 3, 4

D.C. LAW 3-143
EFFECTIVE DATE MAR 05 1981

AN ACT

D.C. ACT 3-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 14 1980

To create a cause of action for damages against the District of Columbia by persons who have been unjustly convicted and imprisoned.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Unjust Imprisonment Act of 1980".

Sec. 2. Any person unjustly convicted of and subsequently imprisoned for a criminal offense contained in the District of Columbia Code may present a claim for damages against the District of Columbia.

CODIFICATION
D.C. Code,
sec. 1-941

Sec. 3. Any person bringing suit under section 2 must allege and prove:

D.C. Code,
sec. 1-942

(A) that his conviction has been reversed or set aside on the ground that he is not guilty of the offense of which he was convicted, or on new trial or rehearing was found not guilty of such offense, as appears from the record or

certificate of the court setting aside or reversing such conviction, or that he has been pardoned upon the stated ground of innocence and unjust conviction; and

(3) that, based upon clear and convincing evidence, he did not commit any of the acts charged or his acts or omissions in connection with such charge constituted no offense against the United States or the District of Columbia the maximum penalty for which would equal or exceed the imprisonment served and he did not, by his misconduct, cause or bring about his own prosecution.

Sec. 4. Upon a finding by the judge of unjust imprisonment in accordance with the standards set by section 3, the judge may award damages. Punitive damages may not be awarded.

D.C.Code,
sec. 1-943

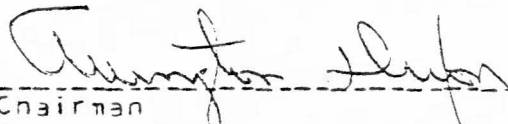
Sec. 5. This act shall apply to any person whose release from unjust imprisonment occurred on or after June 1, 1979: PROVIDED, that the provisions of D.C. Code, sec. 12-309 shall not apply to any cause of action for unjust imprisonment arising prior to the effective date of this act.

D.C.Code,
sec. 1-944

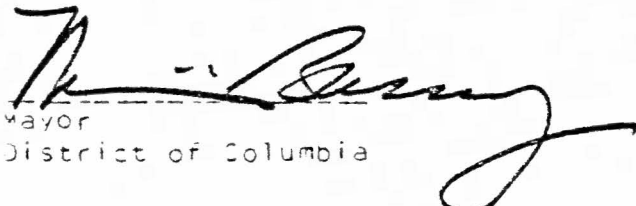
Sec. 6. This act shall not apply to any person whose conviction resulted from his entering a plea of guilty unless that plea was pursuant to North Carolina v. Alford, 400 U.S. 25 (1970).

D.C. Code,
sec. 1-945

Sec. 7. This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 14, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: R 3-251

ACTION: Adopted First Reading (7-29-80)

VOICE VOTE: Unanimous

Absent: Moore and Wilson

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TARVITZ					ROTARK									

K—Roll Call Vote A. A.—Absent N. Y.—Not Present

CERTIFICATION OF RECORD

[Signature]
Secretary to the Council

ACTION: Amended First Reading (9-16-80)

VOICE VOTE: Unanimous

Absent: Hardy, Wilson and Spaulding

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TARVITZ					ROTARK									

K—Roll Call Vote A. A.—Absent N. Y.—Not Present

CERTIFICATION OF RECORD

[Signature]
Secretary to the Council

ACTION: Adopted Final Reading (9-30-80)

VOICE VOTE: Majority

Absent: Moore

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TARVITZ					ROTARK									

K—Roll Call Vote A. A.—Absent N. Y.—Not Present

CERTIFICATION OF RECORD

[Signature]
Secretary to the Council